

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD RESH; and	)	
VALERIE RESH, individually and	)	Civil Action
as trustees of the Resh	)	No. 11-cv-01924
Living Trust	)	
	)	
Plaintiffs	)	
vs.	)	
	)	
ANDREW BROSNAC; and	)	
REALTY CONCEPTS,	)	
	)	
Defendants	)	

O R D E R

Now, this 29<sup>th</sup> day of March, 2012, upon consideration  
of the following documents:

- (1) Plaintiffs' Request for Entry of Default Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, which request was filed July 1, 2011 (Document 16);
- (2) Plaintiffs' Request for Entry of a Default Judgment Pursuant to Federal Rules of Civil Procedure 55(b)(1), which request was filed July 5, 2011 (Document 18); together with
  - (a) Affidavit of Richard H. Wix, Esquire, notarized July 5, 2011 (Document 18-1);
- (3) Motion of Realty Concepts, Ltd. to Strike the Entry of Default and Default Judgment or, in the Alternative, to Set Aside the Entry of Default and Default Judgment, which motion to strike or set aside was filed July 27, 2011 (Document 22) ("Motion to Strike or Set Aside"); together with,
  - (a) Memorandum of Law in Support of the Motion of Realty Concepts, Ltd. to Strike the Entry of Default and Default Judgment or, in the Alternative, to Set Aside the Entry of Default and Default Judgment (Document 22-1) ("Memo in Support of Motion to Strike or Set Aside");

- (b) Exhibit A, Affidavit of Service of Richard H. Wix, Esquire, notarized June 20, 2011 (Document 22-2);
- (c) Exhibit B, Letter from Lance E. Armo, Esquire, General Counsel for Realty Concepts to Richard H. Wix, Esquire, counsel for plaintiffs, dated July 11, 2011 (Document 22-3);
- (4) Memorandum of Plaintiffs in Opposition to the Motion of Realty Concepts, Ltd. to Strike the Entry of Default Judgment, which memorandum was filed August 4, 2011 (Document 24) ("Memo Opposing Motion to Strike or Set Aside");
- (5) Reply Brief to Plaintiff's Opposition to the Motion of Realty Concepts, to Strike the Entry of Default Judgment, which reply brief was filed with leave of court on August 15, 2011 (Document 27);
- (6) Motion of Realty Concepts, Ltd. to Dismiss the Complaint, which motion was filed August 25, 2011 (Document 29) ("Motion to Dismiss"); together with
  - (a) Memorandum of Law in Support of the Motion of Realty Concepts, Ltd. to Dismiss the Complaint (Document 29-1) ("Memo in Support of Motion to Dismiss"); and
- (7) Memorandum of Plaintiffs in Opposition to Realty Concepts, Ltd.'s Motion to Dismiss the Complaint, which memorandum was filed September 15, 2011 (Document 32) ("Memo Opposing Motion to Dismiss");

it appearing that plaintiffs have not perfected service of the Complaint upon defendant Realty Concepts, and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the plaintiffs' request for entry of default is denied.

IT IS FURTHER ORDERED that plaintiffs' request for entry of a default judgment is denied.

IT IS FURTHER ORDERED that the motion of defendant Realty Concepts to strike and or set aside is dismissed as moot.

IT IS FURTHER ORDERED that plaintiffs shall have until April 30, 2012 to serve original process upon defendant Realty Concepts and to file proof of such service. Failure to properly serve and file proof of service in accordance with this order may result in dismissal pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the motion of Realty Concepts to dismiss the Complaint is dismissed as moot without prejudice for Realty Concepts to re-file a motion to dismiss if plaintiffs perfect and file proof of service in accordance with this Order.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge